IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2506 OF 2006

IN

WRIT PETITION NO. 5990 OF 2002

Mohammed Shafi Machhiwala .. Petitioner.

vs.

Head Inspector, Municipal Corpn.
for Greater Mumbai & Ors. .. Respondents.

Mr. Ameya Tamhane i/by A.N. Mulla for petitioner.

CORAM: J.N. PATEL &
SMT. NISHITA MHATRE, JJ.
DATE: 20TH NOVEMBER, 2007.

P.C.

. The petitioner has approached this Court seeking a direction that the respondent be directed to collect the monthly rent of the suit premises with all the arrears. In spite of the respondents being served, none appears for the respondent MCGM.

2. We do not find any reason why the respondent could not accept the rent which the petitioner is offering and this can be without prejudice to the

rights of the parties which are subject matter of the petition. Therefore, the application is allowed. The petitioner is directed to tender the monthly rent of the suit premises including all arrears within a period of four weeks to the respondents. If sch tender is made, the respondents would accept the same without prejudice to their rights. The petitioner would not claim any equity in the matter merely because he is allowed to tender the rent.

(J.N. Patel, J.)

(Smt. Nishita Mhatre, J.)